

**CITY OF ANGELS  
CITY COUNCIL  
MINUTES**

**Tuesday, November 17, 2015**

Council Members Present: Mayor Wes Kulm, Vice Mayor Elaine Morris, Bert Sobon, Amanda Folendorf, and Scott Behiel

Staff Present: Michael McHatten, Derek Cole, Dave Hanham, , Julie McManus, Dave Myers, Todd Fordahl, Nathan Pry and Mary Kelly

**4:30 p.m. CALL TO ORDER**

**COUNCIL ADJOURNED TO CLOSED SESSION**

The City Council convened to closed session. Chair Kulm reconvened to open session.

**6:00 p.m. REGULAR MEETING**

**PLEDGE OF ALLEGIANCE**

**ACTION TAKEN IN CLOSED SESSION**

**A. LIABILITY CLAIM**

Claimant: Terry Hooe

Agency Claimed Against: City of Angels

Council Action: Council authorized the City Clerk to draft a Notice of Rejection to the claimant.

**B. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: One Potential Case

Council Action: Direction given to City Attorney

**C. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**

Paragraph (1) of subdivision (d) of Section 54956.9: Marie A. Starr, Calaveras Superior Court Case No. 11CV37944

Council Action: Direction given to City Attorney

**D. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**

Paragraph (1) of subdivision (d) of Section 54956.9: Difú v. City of Angels Camp et al., Third District Court of Appeals and Calaveras Superior Court Case No. 13CV39523

Council Action: Direction given to City Attorney

**E. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO SECTION**

**54956.8:** Property: APN# 060-012-002, Angels Camp; Agency Negotiator: Michael McHatten, City Administrator; Negotiating party: U.S. Post Office. Under Negotiation: Price and Terms

Council Action: Direction given to City Administrator

**F. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Property: 200 Monte Verda, Angels Camp; Agency Negotiator: Michael McHatten, City Administrator; Negotiating party: M.A.C.T. Health Board. Under negotiation: price and terms of payment.

Council Action: Direction given to City Administrator

- G. CONFERENCE WITH LABOR NEGOTIATOR:** Pursuant to California Code 54957.6 Unrepresented employees. City Negotiator: Michael McHatten, City Administrator  
Council Action: Direction given to City Administrator
- H. PURSUANT TO CALIFORNIA CODE SECTION 54957:** Performance Evaluation – City Administrator  
Council Action: Item was continued to end of regular meeting.

### **APPROVAL OF AGENDA**

**MOTION** by Council Member Behiel, seconded by Council Member Sobon and carried 5-0 APPROVING THE AGENDA AS PRESENTED.

### **STAFF UPDATES**

Council discussed the consolidated report with staff.

### **COUNCIL UPDATES**

#### **Elaine Morris**

Attended CCOG. Still opening for a citizen member. Application is on website and deadline is 11/20.

#### **Bert Sobon**

Attended Lafco. Alternate public member needed – will readvertise. Recommendation was made to the formation of Calaveras RCO.

#### **Amanda Folendorf**

Attended Lafco

#### **Wes Kulm**

Attended CCOG and DAC.

### **PUBLIC COMMENT**

There was no comment from those present in the audience.

### **FEATURE BUSINESS PRESENTATION**

Gold Rush Originals. Michael Darby explained that he founded Gold Rush Originals 7 years ago. His business is across the street from the theater and features original oil paintings in gold pans. He worked in interior design in New Orleans. He showed a presentation of his artwork which included murals. Michael is also a musician and has written a book God's Gold – "A Journey of Discovery".

### **CONSENT AGENDA**

**MOTION** by Council Member Behiel, seconded by Vice Mayor Morris and carried 5-0 APPROVING THE CONSENT AGENDA AS PRESENTED WITH THE FOLLOWING MODIFICATIONS:

Item a. Correction to Minutes showing abstention of Council Member Sobon

Item a: Mayor Kulm abstained from the minutes.

Item c. Exhibit 'A' was replaced with a corrected version.

- a. Approve Minutes of Regular meeting of November 3, 2015
- b. Adopt Resolution No. 15-41 Approving the Misc. Non-Exempt Memorandum of Understanding
- c. Adopt Resolution No. 15-42 Approving the Firefighters Association Memorandum of Understanding
- d. Rescind Resolution No. 15-39 and adopt Resolution No. 15-43 Authorizing Memorandum of Agreement for reimbursement for the Butte Fire under the Law Enforcement Mutual Aid Plan.
- e. Temporary Blockage of Alleyway off Pacific Avenue – informational item only.

## **REGULAR AGENDA**

---

1. **APPROVAL OF ALTERNATIVE FOR STATE HIGHWAY 4 (WAGON TRAIL) ALIGNMENT**

MOTION by Council Member Sobon, seconded by Vice Mayor Morris and carried 4-0 with Council Member Behiel abstaining RECOMMENDING ALIGNMENT ALTERNATIVE 2 AS THE LOCALLY PREFERRED ALTERNATIVE FOR CONSIDERATION BY CALTRANS.

---

2. **ADOPT RESOLUTION DECLARING A LOAN AGREEMENT & DEED OF TRUST ORIGINALLY AUTHORIZED UNDER CDBG GUIDELINES AS UNCOLLECTIBLE**

Finance Officer Julie McManus gave a brief background of her and the City Attorney's attempts to gather information to collect on the CDBG Loan funds. Council Member Behiel stated the City should seek legal action from the current property owner because the City can recoup their loss through the owner's title insurance. Vice Mayor Morris said she would not support any proceedings against the current owner with Council Member Folendorf in agreement. It was suggested that staff and City Attorney contact the present owner and explain the situation. There should be a personal meeting with open discussion on what the City is attempting to do. Council Members, Behiel, Sobon and Mayor Kulm agreed on this action.

MOTION by Vice Mayor Morris, seconded by Council Member Folendorf to ADOPT RESOLUTION NO. 15-44. A RESOLUTION DECLARING LOAN AGREEMENT AND DEED OF TRUST AS UNCOLLECTIBLE.

This motion failed due to a lack of majority vote.

---

## **CALENDAR**

Calendar was reviewed by City Clerk Mary Kelly

The Mayor adjourned the regular Council meeting and reconvened in closed session at 7:10 pm

The Council reconvened the regular meeting from closed session at 7:25.  
Action to be reported out at the next regular council meeting.

## **ADJOURNMENT**

The Mayor adjourned the regular meeting at 7:25 pm.

---

Wes Kulm  
Mayor

ATTEST:

---

Mary Kelly  
City Clerk